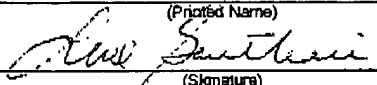


Atty. Dkt. No. 074022-3303

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DREWES et al.
Title: METHODS AND DEVICES FOR
MASS TRANSPORT ASSISTED
OPTICAL ASSAYS
Appl. No.: 09/675,518
Filing Date: 9/29/2000
Examiner: B. Foreman
Art Unit: 1634

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Line Gauthier</u> (Printed Name)  (Signature) <u>January 18, 2005</u> (Date of Deposit)
--

TERMINAL DISCLAIMER

Mail Stop Amendmnet
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Thermo Biostar Inc., having its principal place of business at 6655 Lookout Rd., Boulder, CO 80301, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/675,518, filed 9/29/2000, which is a continuation of U.S. Patent Application No. 08/950,963, filed October 15, 1997, by virtue of an Assignment filed and recorded on 3/23/1998, on Reel/Frame 9077/0497, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A; and by virtue of a name change from Biostar, Inc., to Thermo Biostar Inc., filed and recorded on 9/24/2001, on Reel/Frame 012189/0506, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 08/950,963, filed October 15, 1997, by virtue of an Assignment filed and recorded on March

Atty. Dkt. No. 074022-3393

23, 1998, on Reel/Frame 9077/0497, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A; and by virtue of a name change from Biostar, Inc., to Thermo Biostar Inc., filed and recorded on 9/24/2001, on Reel/Frame 012189/0506, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner, Biostar, Inc., hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 09/675,518 which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application 08/950,963, and hereby agrees that any patent so granted on U.S. Patent Application 09/675,518 shall be enforceable only for and during such period that the legal title to any patent granted on U.S. Patent Application 08/950,963 shall be the same as the legal title to any patent granted on U.S. Patent Application 09/675,518, this agreement to run with any patent granted on U.S. Patent Application 09/675,518 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 09/675,518, prior to the full statutory term of any patent granted on U.S. Patent Application 08/950,963 as defined in 35 U.S.C. §§154-156 and 173, in the event that any patent granted on U.S. Patent Application 08/950,963 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of any patent granted on U.S. Patent Application 08/950,963 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 09/675,518 that would extend beyond the present termination of any patent granted on U.S. Patent Application 08/950,963, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or